

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, November 19, 2020
Virtual ZOOM Meeting
Brockton, Massachusetts

The License Commission held its regular monthly meeting on Thursday, November 19, 2020 via ZOOM. Present were Chairman Henry Tartaglia, Commissioners Jeffrey Charnel, David Teixeira, Paul Studenski. Also present were License Agent Paul Bonanca, and Executive Assistant Silvia Carvalho. Lt. William Schlieman and Deputy Chief Edward Williams.

1. Approval of the Minutes of the License Commission Meeting of October 22, 2020.

A motion was made by Commissioner Charnel to approve the minutes of the aforesaid meetings which motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

2. Approval of the following police officers as license agents for the month of November 2020: Lieuts. Paul Bonanca and David Farrell; Sgts. George Khoury and Christopher McDermott; Dets. Patrick Donahue, Erin Cummings, Jackie Congdon, Eric Clark, Santiago Cirino, Thomas Hyland, Michael Bunker, Nazaire Paul, James Cronshaw and Timothy Stanton.

A motion was made by Commissioner Charnel to approve the license agents as listed for the month of November 2020. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3. Hearing on a request from Ze's Auto Sales, Inc. for a Class II Used Car Dealers license located at 65 Court Street, Brockton, MA.

Present was Jose and Daisy Monteiro of 16 Lilly Avenue, Brockton, MA.

Ms. Monteiro stated that they are before the board to request a used car dealers license. Chairman Tartaglia asked them if there was a business being run out of there now? Ms. Monteiro replied yes, there is a license for repair, which must be transferred to them. She stated that she has all the paperwork and the licenses. Chairman Tartaglia asked Ms. Monteiro if that has gone through the City Clerk's office? Ms. Monteiro replied that there is a license at the property. Chairman Tartaglia asked them if the license was in their name? and, proceeded to inform them that the license in fact is not in their name. She replied no, because it is being transferred to them, and they have all the paperwork. Chairman Tartaglia informed them that they are operating with someone else's license.

He understands that she has all the paperwork for a transfer, but it has not gone before the City Clerk's office. They have not voted on a transfer of the license. Ms. Monteiro stated that it was because they were waiting for the Class II Dealer license. Chairman Tartaglia informed them that it has nothing to do

with this license. If they are operating there now as a sole operator the mechanical license would be in you or your husband's name, the license has not been transferred. Ms. Monteiro stated that when she went to the City Clerk's office they were told to wait until they had everything together. So, she started a new corporation and applied for the Class II Dealers license to add to the other licenses, and that is the reason they have not transferred yet. Chairman Tartaglia informed them that they are operating without a license of their own. He went to the City Clerk's office and the license is not in their name. Ms. Monteiro replied no, not yet. He informed them that they should not be operating and should not have put down, that they were the proprietors of that license.

Before the License Commission can do anything, the licenses must be in order. And, as of now, the license is in someone else's name. Lt. Bonanca informed the board that before Lt. Schlieman gives his proposal, he would like to say a few words. He informed the board that he did an inspection last month and as everyone knows, they do not have a proper repair license. They are operating and it is in someone else's name. He did a spot inspection today and spoke to Mr. Monteiro and he stated that his wife has the license in a book. So, it was a violation, that it was not displayed properly and the reason being that there was no license to display. Another disturbing thing was at last month's meeting he noticed that the area was overcrowded with vehicles.

It was enough to have a repair shop, if that is even legal, but adding a used car dealer, it would be extraordinary to put them in that space. He originally recommended 5 vehicles for sale until Lt. Schlieman brought to his attention that there were some mishaps with the vehicles on the property. The vehicles had to be placed on public land and they were uninsured and unregistered. He will let Lt. Schlieman elaborate exactly what the situation is and, asked the Chairman to allow him to discuss his observations.

Chairman Tartaglia asked Lt. Schlieman to discuss it with the board. Lt. Schlieman stated that in the past 2 months he and Deputy Chief Williams have been working with the folks at 46 Montello Street. Their complaint was the storage of the unregistered, damaged, inoperable cars, junk cars. The folks at 46 Montello Street told them that a large number, of those cars, were left there by the repair shop in question, that they are speaking about. On November 9th he went over to 45 N. Montello Street, which abuts 64 N. Montello Street and Court Ave, it all interconnects. Upon his inspection he found 23 unregistered cars in that area, he placed red 72hr violation stickers on each of the 23 cars. While he was sitting in the lot in an unmarked police car, Mr. Monteiro came over and got into one of those unregistered and unmarked cars, that had an unlawfully attached plate.

He drove down Court Avenue a public way and crossed over to Court Street into the city parking lot, went the wrong way down a one-way street and pulled into the parking lot of the garage we are speaking about. So, he stopped and had a conversation with Mr. Monteiro, he explained that he had two cars over there, only two belonged to him. He acknowledged that he knew the car he was driving was not registered or insured, and had an unlawfully attached plate, and went the wrong way down a one-way street. As the conversation continued, he also stated that he was in the process of transferring the license for the garage and that no work was being performed in there. He also admitted to four cars belonging to him across the street, Lt. Schlieman was unsure how many belonged to him, but he admitted to at least four.

Upon, subsequent drive byes of his property, even though he had denied that no work was going on there, he could see cars under repair, outside in a lot of that property. Commissioner Charnel asked for

permission to speak and asked the petitioners if they were currently running a business out of that location? Ms. Monteiro replied yes, we fix cars. They have the license of the prior owner and that is why they keep working on vehicles. He asked if the license is in her name? she replied, not yet. She informed him that they have a letter from the previous owner transferring the license to them. Commissioner Charnel informed them that until the license is in your name, you know you cannot run a business, right? Ms. Monteiro replied that she did not know that. Commissioner Charnel also stated to them that is what we are notifying you of today. You will probably get a cease- and- desist letter from a city agency to stop operating until you transfer, we are speaking to the petitioners and we do not even know if the lease is adequate for the board to transfer a license, being a tenant at will, with no terms to it.

He would like Council or the City Solicitor's office to investigate if we can transfer a tenant at will. What if they get kicked out? we are left with a license in limbo again. He does not think that is proper or justified in this case. Chairman Tartaglia asked Commissioner Charnel if he went by the location today? and he replied yes, and he witnessed a business being run. He received emails from both Lt. Bonanca and Schlieman that the business was not supposed to be run out of that location. Clearly cars were coming in and out, you can see bondo on cars, unregistered vehicles. He stated that he is one to work with folks, but we must have at least one step followed correctly.

Chairman Tartaglia informed Ms. Monteiro that he happened to go by there today and he noticed a tow truck sitting in the lot, that had just delivered an unregistered car. He dropped it off right in front with the 6 other unregistered cars in the lot. Ms. Monteiro stated that they have all the signed documents, they were told to wait for this meeting and to go back. Commissioner Charnel stated to Ms. Monteiro, that he does not know who guided them through this process, but that is not the way we do things. He knows it is difficult, when you are doing things on your own, but that is not the process.

The agreement alone, is not adequate for the transfer of any license. It is an at will and you can be kicked out at any time. There are no terms to the lease. He thinks the Law Department can weigh in on that. He instructed them to go back to the drawing board and prior to all this starting they should not have been in the place operating the business, because nothing had transferred. Until things transfer appropriately with the City Council or this body of people, you probably must stop doing business, that is the result until you do things right. There is a procedure and process that we all must follow, not just some of us, but all of us.

Chairman Tartaglia interjected and stated that he has not got an answer as to what the unlicensed cars were doing on the property? You are only allowed so many cars with an MVR license. She replied, they do not sell cars there. The Chairman reiterated that there were 6 unregistered cars on the property. He was there and saw a tow truck unload another one there, she replied, they only do repairs there and do not sell cars.

Commissioner Charnel stated that the optics tell you different. Chairman Tartaglia stated that he does not think there is enough room there. If you are going to run an autobody shop, repair shop, there is not enough room in my opinion. The Chairman asked if anyone else had any questions? Commissioner Teixeira asked the Chairman if there was a license there before and he replied no, and Ms. Monteiro replied yes, he stated that he does know if there is one there now. Since he has been on the Commission there has not been a license at that location, he has been on the Commission for 7 years and has not seen anything. He asked Silvia if that was the case, she replied that she has not seen anything, and it might be in the files. Commissioner Teixeira asked the Chairman what license are they trying to transfer?

If there is no license to transfer, what license are they trying to transfer? The Chairman replied, no they are applying for a Class II Dealer's license, but in the same space they want a mechanics license, and autobody license and now, a Class II Dealer's license. There are only 10 spaces at that location. He does not know where they are going to put all of this. It is a good location for what they have now, maybe if they just did used cars, but not with an MVR and Autobody. Ms. Monteiro said they can do used cars because the prior owner did that and he left some cars for them. When they went to the city, different departments would tell her to things one way and the other another way. She was told to fill out the paperwork, which she did and went to the Fire Department and the City Clerk. It has been five years this entire process of waiting. Chairman Tartaglia stated to Ms. Monteiro that this is the first time it has come before the License Commission.

He asked her were not the cars that Lt. Schlieman found yours too? She replied that it was their friends, they own a shipping company and because they had to clean up the space, they asked if they could park some cars there, a total of 3. The space does not belong to them, the company ships things overseas. Commissioner Charnel stated that there have been many missteps and feels for the applicant and wants them to be a successful business in the city, but the space is not adequate for what they are trying to do. They are trying to do too much at that location, and the space is limited.

A motion was made by Commissioner Charnel to deny the application. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

0-4

4. Hearing on a request from Ming Motor City, Inc. for a Class I Dealers license located at 970 Montello Street, Brockton, MA.

Present was Attorney Russell Chin of 400 Hancock Street, Quincy, MA.

Attorney Chin stated that his client was before the board in September and several items needed to be repaired. Deputy Chief Williams has concerns that the building is not fit for a Class I Dealership and informed the board that the building must have oil/water separators. Lt. Bonanca noted that he had observed several violations by the owner. The building is fine now as it is, but not for the sale of motor vehicles currently.

If the board were to grant a license, they would not be able to do so, until the building is brought up to code. Lt. Bonanca said he observed someone riding a moped in the lot without a helmet and sent photos and a video to the board. Employees have not been compliant with mask wearing during Covid-19 and it seems to be a repeat of the last meeting. Councilor Nicastro asked to speak regarding the location which is in her ward. Her concern is that unlicensed scooters are being driven on the streets of ward 4 and that is of great concern. If the board grants them a license, she does not want them driven on the streets.

A motion was made by Commissioner Charnel to table the agenda item and have the applicant return after the conditions have been met and Class I signoffs have been obtained. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present.

4-0

5. Hearing on a request for a Class II Used Car Dealers license located at 8 Montello Street from Avon Auto Brokers.

Present was Mr. Dana Nessen of 24 Marshall Lane, North Easton, MA.

Mr. Nessen informed the board that he would like to separate the two licenses and have a license at each location. Lt. Bonanca inspected the property and there are weeds still growing through the cracks in the asphalt, and there must be a raised handicapped sign on the property. Mr. Nessen told the board that if they were to grant the license, he would lease the property, which is currently vacant.

A motion was made by Commissioner Charnel to grant the license with the stipulations that 2 handicapped signs be placed on the property and the repairs made to the asphalt and foliage per Lt. Bonanca. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present.

4-0

6. Hearing on a request from Club National for a Change of Manager on an All Alcoholic Club license located at 170 Court Street, Brockton, MA.

Present was Peter Bessette of 170 Court Street, Brockton, MA.

Mr. Bessette informed the board that he took over 10 months ago after the previous manager suffered a medical emergency. Commissioner Charnel asked him if there would be any changes to the day-to-day operations and he replied no and assured the board that they have been following all the Covid-19 guidelines. The property was inspected a couple of months ago and there is nothing new.

A motion was made by Commissioner Teixeira to approve the Change of Manager. The motion was seconded by Commissioner Studenski and made unanimous by vote of Jeffrey Charnel. Chairman Tartaglia recused himself.

3-0

7. Hearing on a request for a Transfer of a Lodging House license located at 113 Green Street from Saxon Management, LLC-Paul Johnson to Lepe Properties, LLC- Antonio G. Lepe.

Present was Mr. Antonio Lepe of 36 Chickarins Road, Dedham, MA. and Mr. Paul Johnson of 39 Harwood St., Apt#3, Dorchester, MA and Jack Bruneau of 1261 Centre Street, Newton, MA 02459

The license is in the process of being transferred from the previous owner of the property and is in the middle of getting all the inspections. The sale is contingent on the property passing of all the inspections by the city departments.

A motion was made by Commissioner Charnel to approve the Transfer of the Lodging House license contingent on the passing of all inspections by the city departments. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

4-0

8. Hearing on a request from Texas Roadhouse Holdings, LLC for a Change of Officers/Directors/LLC Managers on an All Alcoholic Beverages Restaurant license.

Present was Attorney Andrew Upton of 16 Beacon Street, Suite 700, Boston, MA.

Attorney Upton informed the board that the transaction is just a change in corporate officer and there will be no changes to the daily operation of the business.

A motion was made by Commissioner Charnel to approve the Change of Officers/Directors/LLC Managers. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

4-0

A motion was made by Commissioner Charnel to adjourn the meeting. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

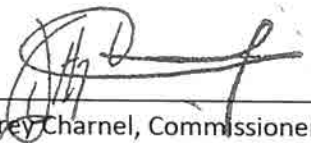
4-0

Respectfully Submitted,

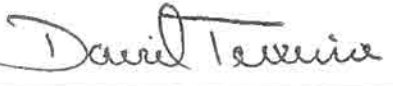
Chairman

Henry Tartaglia, Chairman

APPROVED



Jeffrey Charnel, Commissioner



David Teixeira, Commissioner



Eugene Marrow, Commissioner



Paul Studenski, Commissioner